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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,612	03/23/2004	Joseph J. Nahas	SC13159TC	2447

23125 7590 08/17/2006

FREESCALE SEMICONDUCTOR, INC.  
LAW DEPARTMENT  
7700 WEST PARMER LANE MD:TX32/PL02  
AUSTIN, TX 78729

EXAMINER

OCHOA, JUAN CARLOS

ART UNIT PAPER NUMBER

2123

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/806,612	<b>Applicant(s)</b> NAHAS, JOSEPH J.	
	<b>Examiner</b> Juan C. Ochoa	<b>Art Unit</b> 2123	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

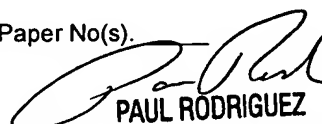
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: \_\_\_\_\_.

  
**PAUL RODRIGUEZ**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: With respect to the rejection of claims 1-4, 6, 12-14, and 41 under 35 U.S.C. § 103(a) as being obvious over a combination of Kim and Savtchenko, it is agreed that Kim's simulator fails to disclose outputting a bit state that is dependent upon a specific sequence of a status of the plurality of operating conditions and that Savtchenko discloses outputting a bit state that is dependent upon a specific sequence of a status of the plurality of operating conditions while writing to an MRAM. Examiner notes Savtchenko's sequence (Figs. 6 and 7, item No. 100) as compatible with Applicant's Fig. 4, which shows a particular write cycle pulse sequence with overlapping magnetic field pulses (see page 7, paragraph [0037], lines 1-3). Kim discloses simulating reading and writing to an MRAM and Savtchenko discloses writing to an MRAM. It is the Examiners position that Kim and Savtchenko are analogous art because they are both related to modes of operation of MRAMs. As noted before, Examiner interprets "stored data are not changed if the amount of current is not sufficient" as above a predetermined threshold. Examiner believes that "a state variable indicative of a presence of the first magnetic field" is understandable from Kim's page 899, col. 1, lines 9-20. Since it's not expressly disclosed, it may be better understood by looking at Kim's Gdg. Kim discloses "In the above model, Rwb and Gdg are used in order to accept the conditions of currents" (see page 899, col. 1, lines 20-22). Examiner interprets "If a bitline current exists, Gdg is set to the value of the digit-line resistance corresponding to the width of one cell. If the bit-line current is zero, Gdg is set to zero" as a state variable indicative of a presence of the first magnetic field (see page 899, col. 1, lines 26-30). Therefore it is the Examiners position that Kim and Savtchenko do anticipate the independent claims and the rejections are maintained.

With respect to the rejection of claims 29-31, 33, and 39-40 under 35 U.S.C. § 103(a) as being obvious over a combination of Kim and Das (2), Applicant argues that Das (2) fails to teach "a state variable indicative of a presence of the first magnetic field above a predetermined threshold preceding a presence of the second magnetic field above a predetermined threshold and a state variable indicative of a presence of the second magnetic field above a predetermined threshold preceding a presence of the first magnetic field above a predetermined threshold". Examiner would like to further elaborate such disclosure. (See "first magnetic field above a predetermined threshold" as "soft layer switching thresholds", "second magnetic field above a predetermined threshold" as "the state of magnetization of the hard layer", and "preceding a presence of" as "will depend upon" in page 2065, col. 1, next to last paragraph, last 10 lines). Applicant argues that Das (2) fails to teach "a state variable indicative of a presence of the second magnetic field above a predetermined threshold preceding a presence of the first magnetic field above a predetermined threshold". Applicant's arguments, see page 16, last paragraph and page 17, 1st paragraph, filed 7/19/06, with respect to claims 29-31, 33, and 39-40 have been fully considered and are persuasive. The rejection of claims 29-31, 33, and 39-40 has been withdrawn.